

1 SENATE BILL 475

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 Stephen H. Fischmann

5
6
7
8
9
10 AN ACT

11 RELATING TO STATE LANDS; PROVIDING FOR A PRIOR REVIEW BY THE
12 ATTORNEY GENERAL OF CERTAIN LEASES FOR REAL ESTATE PLANNING OR
13 DEVELOPMENT PURPOSES.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 Section 1. Section 19-7-9 NMSA 1978 (being Laws 1971,
17 Chapter 93, Section 1, as amended) is amended to read:

18 "19-7-9. SALE AND LEASE OF STATE LANDS--CONVEYANCE FOR
19 TERM OF YEARS--TERMS AND CONDITIONS.--Any state lands offered
20 for sale by the commissioner of public lands may be sold at the
21 commissioner's discretion for cash or upon payment of not less
22 than one-tenth of the purchase price in cash and payment of the
23 balance in [~~amortize~~] amortized installments for any period up
24 to thirty years with interest on the principal balance at a
25 rate to be set by the commissioner in the notice of auction

.174696.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 pertaining to the particular sale in advance. Additional
2 payments on the principal may be made at any time, but such
3 payments shall not be effective for credit until the date the
4 next installment is due. The purchase contract shall be upon a
5 form prescribed by the commissioner prior to publication of the
6 notice of auction and shall contain the terms and conditions
7 the commissioner may deem to be in the best interest of the
8 state and consistent with law. Should a purchaser die before
9 completing ~~[his]~~ the contract, the due date of the next
10 installment payment shall, upon written application, be
11 deferred by the commissioner for one year. In addition, the
12 commissioner is authorized to convey for any period of time
13 state lands under ~~[his]~~ the commissioner's jurisdiction having
14 value for commercial development or public use purposes,
15 ~~[providing]~~ provided that:

16 A. all of the requirements for the disposition of
17 lands set forth in the constitution of New Mexico and the New
18 Mexico Enabling Act are complied with, including but not
19 limited to those pertaining to appraisal at true value,
20 advertising and public auction; ~~[and that]~~

21 B. the term and nature of the estate to be conveyed
22 is set forth in the public notice of auction pertaining to the
23 particular conveyance; and

24 C. if the conveyance is a business lease for real
25 estate planning or development purposes, the commissioner shall

.174696.1

underscored material = new
[bracketed material] = delete

1 comply with the provisions of Section 19-7-9.1 NMSA 1978."

2 Section 2. A new Section 19-7-9.1 NMSA 1978 is enacted to
3 read:

4 "19-7-9.1. [NEW MATERIAL] LEASES FOR REAL ESTATE PLANNING
5 OR DEVELOPMENT PURPOSES--PRIOR REVIEW BY ATTORNEY GENERAL AND
6 BENEFICIARY.--

7 A. Except as provided in Subsection D of this
8 section, no business lease for real estate planning or
9 development purposes shall be effective unless it has been
10 reviewed by the attorney general and the beneficiary pursuant
11 to this section.

12 B. Before entering into the lease, the commissioner
13 of public lands shall submit a copy of the proposed lease to
14 the attorney general and to each beneficiary of the lands to be
15 included in the lease. The attorney general shall review the
16 proposed lease and issue an opinion as to whether the proposed
17 lease:

18 (1) is in compliance with the applicable
19 statutes and the Enabling Act for New Mexico; and

20 (2) is in the best interests of the
21 beneficiaries of the lands to be included in the lease.

22 C. The attorney general shall post the opinion on
23 the attorney general's web site and shall deliver a copy of the
24 opinion to each beneficiary and the commissioner. The
25 commissioner shall consider the attorney general's opinion

.174696.1

underscoring material = new
[bracketed material] = delete

1 before entering into the lease.

2 D. If, within forty-five days of submitting a lease
3 pursuant to this section, the commissioner has not received an
4 opinion from the attorney general, the commissioner may enter
5 into the proposed lease."

6 Section 3. APPLICABILITY.--The provisions of this act
7 apply to all business leases for real estate planning or
8 development purposes entered into by the commissioner of public
9 lands on or after July 1, 2009.